

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

EAZS HARPER,

Plaintiff

v.

UNITED STATES OF AMERICA, et al.,  
Defendants

CIVIL ACTION NO. 3:12-CV-1292

(Judge Nealon)

(Magistrate Judge Mehalchick)

**FILED  
SCRANTON**

MAY - 1 2014

**ORDER**

NOW, THIS 1<sup>st</sup> DAY OF MAY, 2014, for the reasons set forth in the Memorandum

**DEPUTY CLERK**

issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation, (Doc. 43), is **ADOPTED in part**;
2. Plaintiff's objections, (Doc. 44), to the R&R are **OVERRULED in part**;
3. Plaintiff's motion to amend, (Doc. 47), which requests leave to amend/correct his brief in opposition to the summary judgment motion as reflected in Document 48 is **GRANTED**;
4. Defendants' motion to dismiss and/or, in the alternative, for summary judgment, (Doc. 21), is **GRANTED in part**:
  - A. Defendants' motion for summary judgment on the Eighth Amendment and FTCA claims is **DENIED**;
  - B. Defendants' motion for summary judgment on the injunctive relief claim is **GRANTED**;
  - C. Defendants Samuels and Thomas are **DISMISSED** and **TERMINATED** as parties to this action;
  - D. The official capacity claims against Defendants Bledsoe, Young, and Hudson are **DISMISSED**;
  - E. The individual capacity claims against Defendants Bledsoe and Young are **DISMISSED**, and they are **TERMINATED** as parties to this action;
  - F. Defendants' motion for summary judgment based on the lack of personal

involvement of Defendants Hudson, Snider, Gemberling, and Contri is **DENIED**;

- G. Defendants' motion for summary judgment based on qualified immunity is **DENIED** as premature;
5. Plaintiff **SHALL** file an amended complaint, consistent with the Memorandum, within twenty (20) days of the date of this Order;
6. Plaintiff's motion for an extension of time, (Doc. 51), is **DENIED as moot**;
7. This case is **REMANDED** to Magistrate Judge Mehalchick for further proceedings; and
8. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith.

  
United States District Judge